

The inference, therefore, I think, is very strong, not to say conclusive, that these deeds were the result of a contrivance, invented and put in execution, to deprive the complainant of that portion of the personal estate of her husband, to which by law she became entitled, unless *bona fide* and absolutely sold, or given away by him in his lifetime.

If Hays intended to make a complete and unreserved disposition of the property, why was the deed of trust of the 9th of April executed at all?

Charlotte Henry was perfectly competent to hold the title and deal with the property as she might think fit, and, therefore, it is not easy to imagine a reason for the execution of the trust deed, unless it was the design of the parties to secure to Hays a control during his life.

There is another provision in this trust deed, which I think is worthy of consideration in determining upon its character, and upon the influence which Hays exerted over the disposition of the property conveyed by it. The limitation over, in the event of the death of the children of Charlotte Henry, by Hays, is to his children by the complainant. But, the answer of Charlotte Henry avers, that the property was paid for with her own money, and if this be assumed as true, it is difficult to conceive a reason why, in any event, and upon any contingency, she should be willing that it should be enjoyed by the children of the complainant. This provision in the deed, then, is to be attributed to the influence of Hays, and raises a strong probability, I think, independently of the parol evidence, not only that his money paid for the property, but that, notwithstanding the title was conveyed by Mr. Perine to Charlotte Henry, by his direction, his will controlled its destination.

Though he had utterly discarded his wife, there would appear to have remained in his heart some feeling of affection for his children by her, and to this feeling, as I think, must be ascribed the contingent benefit intended for them.

In view of all the circumstances of this case, I am of opinion, that the complainant is entitled to relief, and shall so decree.